

FILED ENTERED  
LODGED RECEIVED

OCT 22 2004

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

UNITED STATES OF AMERICA  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASHINGTON TOXICS, )  
 )  
Plaintiff(s), )  
 )  
v. )  
 )  
U. S. DEPT. OF INTERIOR, )  
 )  
Defendant(s), )  
\_\_\_\_\_ )

CASE NO. C04-1998C

ORDER REGARDING DISCOVERY  
AND DEPOSITION

IT IS ORDERED that:

1. DISCOVERY. All discovery matters are to be resolved by agreement if possible. If a ruling is needed as to any discovery question, and counsel wish to avoid the time and expenses of a written motion, they may obtain an expedited ruling through a telephone conference call to the court at (206) 370-8800.

ORDER RE DISCOVERY  
AND DEPOSITIONS -1-



04-CV-01998-ORD

1           2.   DEPOSITIONS.   Depositions will be conducted in  
2 compliance with the following rules:

3           (a)   Examination.   If there are multiple parties,  
4 each side should ordinarily designate one attorney to conduct  
5 the main examination of the deponent, and any questioning by  
6 other counsel on that side should be limited to matters not  
7 previously covered.

8           (b)   Objections.   The only objections that should be  
9 raised at the deposition are those involving a privilege  
10 against disclosure, or some matter that may be remedied if  
11 presented at the time (such as the form of the question or the  
12 responsiveness of the answer), or that the question seeks  
13 information beyond the scope of discovery. Objections on other  
14 grounds are unnecessary and should generally be avoided. All  
15 objections should be concise and must not suggest answers to,  
16 or otherwise coach, the deponent. Argumentative interruptions  
17 will not be permitted.

18           (c)   Directions Not to Answer.   Directions to the  
19 deponent not to answer are improper, except on the ground of  
20 privilege or to enable a party or deponent to present a motion  
21 to the court or special master for termination of the  
22 deposition on the ground that it is being conducted in bad  
23 faith or in such a manner as unreasonably to annoy, embarrass  
24 or oppress the party or the deponent, or for appropriate  
25

1 limitations upon the scope of the depositions (e.g., on the  
2 ground that the line of inquiry is not relevant nor reasonably  
3 calculated to lead to the discovery of admissible evidence).  
4 When a privilege is claimed, the witness should nevertheless  
5 answer questions relevant to the existence, extent or waiver  
6 of the privilege, such as the date of the communication, who  
7 made the statement in question, to whom and in whose presence  
8 the statement was made, other persons to whom the statement  
9 was made, other persons to whom the contents of the statement  
10 have been disclosed, and the general subject matter of the  
11 statement.

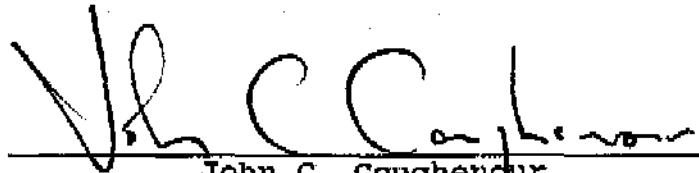
12 (d) Responsiveness. Witnesses will be expected to  
13 answer all questions directly and without evasion, to the  
14 extent of their testimonial knowledge, unless directed by  
15 counsel not to answer.

16 (e) Private Consultation. Private conferences  
17 between deponents and their attorneys during the actual taking  
18 of the deposition are improper, except for the purpose of  
19 determining whether a privilege should be asserted. Unless  
20 prohibited by the court for good cause shown, such conferences  
21 may, however, be held during normal recesses and adjournments.

22 (f) Conduct of Examining Counsel. Examining counsel  
23 will refrain from asking questions he or she knows to be  
24 beyond the legitimate scope of discovery, and from undue  
25 repetition.

1 (g) Courtroom Standard. All counsel and parties  
2 should conduct themselves in depositions with the same courtesy  
3 and respect for the rules that are required in the courtroom  
4 during trial.

5 3. RESPONSIBILITY OF PLAINTIFF'S COUNSEL. This order  
6 is issued at the outset of the case, and a copy is delivered by  
7 the clerk to counsel for plaintiffs. Plaintiff's counsel (or  
8 plaintiff, if pro se) is directed to deliver a copy of this order  
9 to each other party within ten (10) days after receiving notice  
10 of that party's appearance.

11  
12  
13 

14 John C. Coughenour  
15 United States District Judge  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26